

able at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

### § 2752. Coordination with foreign policy

#### (a) Noninfringement of powers or functions of Secretary of State

Nothing contained in this chapter shall be construed to infringe upon the powers or functions of the Secretary of State.

#### (b) Responsibility for supervision and direction of sales, leases, financing, cooperative projects, and exports

Under the direction of the President, the Secretary of State (taking into account other United States activities abroad, such as military assistance, economic assistance, and the food for peace program) shall be responsible for the continuous supervision and general direction of sales, leases, financing, cooperative projects, and exports under this chapter, including, but not limited to, determining—

- (1) whether there will be a sale to or financing for a country and the amount thereof;
- (2) whether there will be a lease to a country;
- (3) whether there will be a cooperative project and the scope thereof; and
- (4) whether there will be delivery or other performance under such sale, lease, cooperative project, or export,

to the end that sales, financing, leases, cooperative projects, and exports will be integrated with other United States activities and to the end that the foreign policy of the United States would be best served thereby.

#### (c) Coordination among representatives of United States

The President shall prescribe appropriate procedures to assure coordination among representatives of the United States Government in each country, under the leadership of the Chief of the United States Diplomatic Mission. The Chief of the diplomatic mission shall make sure that recommendations of such representatives pertaining to sales are coordinated with political and economic considerations, and his comments shall accompany such recommendations if he so desires.

(Pub. L. 90-629, ch. 1, § 2, Oct. 22, 1968, 82 Stat. 1322; Pub. L. 94-329, title II, § 212(a)(2), June 30, 1976, 90 Stat. 745; Pub. L. 97-113, title I, § 109(b)(1), Dec. 29, 1981, 95 Stat. 1526; Pub. L. 99-83, title I, § 115(b)(1), Aug. 8, 1985, 99 Stat. 201; Pub. L. 99-145, title XI, § 1102(a)(2), (5), Nov. 8, 1985, 99 Stat. 710; Pub. L. 99-661, div. A, title XIII, § 1342(e), Nov. 14, 1986, 100 Stat. 3991.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in subssecs. (a) and (b), was in the original “this Act”, meaning Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1321, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

##### AMENDMENTS

1986—Subsec. (b). Pub. L. 99-661 repealed section 1102(a)(2) of Pub. L. 99-145 and the amendments made

by that section, and provided that this section shall apply as if that section had never been enacted. See 1985 Amendment note below.

1985—Subsec. (b). Pub. L. 99-83 amended subsec. (b) generally, substituting reference to the food for peace program for reference to food for freedom and adding financing and cooperative projects under this chapter to the list of responsibilities of the Secretary of State.

Pub. L. 99-145, § 1102(a)(2), which enacted amendments similar to those provided in Pub. L. 99-83, was repealed. See 1986 Amendment note above and Repeals; Effective Date note below.

1981—Subsec. (b). Pub. L. 97-113 substituted “sales, leases,” for “sales” in two places and “such sale, lease,” for “such sale” and inserted “whether there shall be a lease to a country,” after “whether there shall be a sale to a country and the amount thereof.”

1976—Subsec. (b). Pub. L. 94-329 inserted “and exports” after “sales” wherever appearing and “and whether there shall be delivery or other performance under such sale or export,” after “thereof.”

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as a note under section 2151-1 of this title.

##### EFFECTIVE DATE

Section effective July 1, 1968, see section 41 of Pub. L. 90-629, set out as a note under section 2751 of this title.

##### REPEALS

Pub. L. 99-145, title XI, § 1102(a)(5), Nov. 8, 1985, 99 Stat. 710, which provided for the repeal of the amendments made by § 1102(a) of Pub. L. 99-145, effective as of the effective date of similar amendments by Pub. L. 99-83, was repealed by Pub. L. 99-661, div. A, title XIII, § 1342(e), Nov. 14, 1986, 100 Stat. 3991.

### § 2753. Eligibility for defense services or defense articles

#### (a) Prerequisites for consent by President; report to Congress

No defense article or defense service shall be sold or leased by the United States Government under this chapter to any country or international organization, and no agreement shall be entered into for a cooperative project (as defined in section 2767 of this title), unless—

(1) the President finds that the furnishing of defense articles and defense services to such country or international organization will strengthen the security of the United States and promote world peace;

(2) the country or international organization shall have agreed not to transfer title to, or possession of, any defense article or related training or other defense service so furnished to it, or produced in a cooperative project (as defined in section 2767 of this title), to anyone not an officer, employee, or agent of that country or international organization (or the North Atlantic Treaty Organization or the specified member countries (other than the United States) in the case of a cooperative project) and not to use or permit the use of such article or related training or other defense service for purposes other than those for which furnished unless the consent of the President has first been obtained;

(3) the country or international organization shall have agreed that it will maintain the se-